Discussion of compulsion in Islamic legal writings often occurs under the heading of two different concepts: necessity (*iḍṭirār*) and coercion (*ikrāh*). The discussion of both concepts revolves around the possible change in moral and legal responsibility for actions undertaken in cases of necessity or coercion. Muslim legal scholars use the term necessity (*iḍṭirār*) to denote cases where impersonal circumstances are the cause of a compelled act that has the potential to alter a legal or moral rule. The paradigmatic example is the case of whether or not a starving person on the edge of death is allowed to consume carrion, normally forbidden, to sustain her life. An example of such a case is when a traveler finds herself stranded in a location far away from licit sources of food.

Legal scholars use the term ikrāh to denote cases where the actions, or more specifically threats, of human agents are the cause of a potential alteration of a legal or moral rule. For example, if B credibly threatens A's life and demands that A sell her house to avoid the execution of the threat, the legal scholars asked whether or not the contract is either void or voidable because of the existence of coercion.

The discussion of the impact of necessity on the moral and legal value of an act seems to have originated in and often revolved around the exegesis of Qur'anic verses (e.g. 2:173, 6:119) that were seen to suspend the prohibition of the consumption of such items "carrion, blood, swine-flesh, and what has been hallowed to other than God" in the presence of necessity. Two questions typically occupied legal scholars with regards to necessity. First, how does one define necessity and second to what extent can the idea that necessity turns acts normally prohibited as permissible extend beyond the specific items mentioned in the verse? On the first question, the Ḥanafite Jaṣṣāṣ (d. 917), for example held that only starvation that would ultimately lead to death are cases in which

the necessity would render the food permitted. The Ḥanafite Dābūsī (d. 977) stipulated that one is allowed only the amount of food sufficient to stave off death. As to the question of whether or not the rule can be applied to other prohibitions, many scholars considered and summarily dismissed the possibility that necessity could legalize murder. The starved on the brink of death, for example, could not kill a human being to eat him. There was one other case considered in the legal literature. Could commercial contracts undertaken under exigent circumstances be voided? On this issue, only some Mālikites held that indeed the duressed could seek to void commercial contracts undertaken under circumstances of necessity.

Legal discussion on coercion covered a much wider range of cases than the discussion of necessity, and revolved around the following four broad questions: What is coercive? What is the effect of coercion on the moral and legal responsibility of the coercer? What is the effect of coercion on the moral and legal responsibility of the coerced? What specific types of effect does coercion have on different types of acts, whether ritual, commercial, family or criminal?

Almost all scholars had a difficult time defining the types of threats that would qualify as legally coercive. A number of competing theories circulated in pre-modern Islamic legal thought. The Shāfiʿites were internally divided on the issue. The Shāfiʿite Juwaynī (d. 1085) mentions two theories competing for allegiance of Shāfiʿite scholars. The Iraqi Shāfiʿites held that what is coercive is context dependent judgment which relies on the consideration of a number of factors. For example, these Iraqis thought that the threat of a beating directed against a hooligan who takes pride in his ability to take beatings is not coercive, but the threat of a beating against a genteel nobleman is. For this

reason, what is and what is not coercive depends in large part of certain contextual considerations. The Khurasani Shāfiʿites, Juwaynī among them, thought that this way of thinking about coercion introduces too much arbitrariness into the law. Rather they advocate a simple bright-red-line approach. Only threats the execution of which would result in the loss of life or limb are coercive. Similar tensions, between a subjectivist context sensitive standard and objective non-arbitrary standard animate discussions of definitions of coercion in the other legal traditions.

The objective of legal discussions on coercion was to determine effect on moral and legal responsibility for different types of acts. Based on 16:106, all of the legal traditions considered coercion to excuse apostasy. The unanimity on coerced apostasy contrasts with disagreement on the whether coercion invalidates speech acts such as divorce. Ḥanafite doctrine differed from all of the other Sunni and non-Sunni legal traditions. The Ḥanafites adopting and extending an ancient Kufan view, held that coercion, regardless of the severity of the threat, has no effect on unilateral speech acts, such as divorces, marriages, emancipations, vows, and oaths. All of the other legal traditions held that coercion nullifies these speech acts. The scholars of all traditions, including the Ḥanafites, held that coercion either voids commercial contracts, or in the case of the Ḥanafites creates an ex post fact right of cancellation for the coerced. When it came to coercion's impact on the responsibility for criminal acts, the traditions faced an additional conceptual difficulty in making judgments about apportionment of legal and moral responsibility – what was the responsibility, if any, of the coercer, in the case, for example of coerced homicide? Is he held responsible for the crime if he coerces another to kill an innocent bystander? What is the liability, both moral and legal, of the coercer?

Opinions on these issues abounded within Shāfiʿism and Ḥanafism. The dominant Ḥanafite opinion held that only a threat against life could be legally coercive in the case of homicide. They further held that such threats are compelling to such an extent that it effectively transfers the attribution of the act to the coercer. The coerced becomes as if a tool in the hand of the coercer. As such, the coercer is held fully responsible for the homicide, though this did not mean that the coerced avoided all liability. The Ḥanafites still held that the coerced had sinned in killing an innocent bystander even if coerced, and was morally liable before God on the Day of Judgment. Generally speaking the legal scholars were unwilling to regard coercion as a moral excuse for committing harm against the person of innocent bystanders. They held it is in fact morally praiseworthy for the coerced to suffer harm himself, even to the point of being killed, than be the instrument of harm against others.

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